

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO,
et al.,

Defendants.

CIVIL NO. 12-2039 (GAG)

**JOINT MOTION SUBMITTING CONSENSUS MONITORING METHODOLOGIES ON
POLICIES AND TRAINING**

TO THE HONORABLE COURT:

Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau (collectively, “the Parties”), with the concurrence of the Acting Monitor and the Special Master, respectfully submit the Consensus Monitoring Methodologies on Policies and Training (Consensus Methodologies), pursuant to Paragraphs 245 and 248 of the Agreement for the Sustainable Reform of the Puerto Rico Police Department¹ (Agreement). The Consensus Methodologies enable the Acting Monitor and his team of subject-matter experts to begin evaluating the Commonwealth’s compliance with the policy and training provisions of the Agreement, Paragraphs 109-116 and 117-134, in an independent, objective, and systematic manner as required by the Agreement. The Consensus Methodologies represent a significant step forward in the case as the focus of the Monitor’s Office shifts from capacity

¹ All references to the Puerto Rico Police Department (or PRPD) in the Agreement are to the Puerto Rico Police Bureau (PRPB) of the Puerto Rico Department of Public Safety.

building to compliance monitoring. The Consensus Methodologies are also the product of close collaboration and teamwork between the Parties, the Acting Monitor, and the Special Master.

1. The Agreement requires that the Technical Compliance Advisor (TCA, or Monitor) begin assessing the Commonwealth's compliance with the Agreement following an initial, capacity-building period. Specifically, Paragraph 242 of the Agreement provides:

Four years after the Appointment Date and in accordance with the provisions of the approved Action Plans, the TCA shall begin to regularly conduct compliance reviews to assess PRPD's compliance with each of the Agreement provisions in Sections III through XIII. The TCA shall assess and report whether PRPD has, for each Agreement requirement: (a) incorporated the requirement into an implemented policy; (b) trained all relevant personnel in the requirement and policy; and (c) fully implemented in practice. These compliance reviews shall contain both quantitative elements as necessary for reliability and comprehensiveness.

Agreement ¶ 242, Docket No. 60. The Agreement further requires the Monitor to submit a proposed methodology to the Parties for review prior to the initiation of any compliance assessment. *Id.* ¶ 248.

2. On June 13, 2019, the Parties filed the first Consensus Methodology on Use of Force. *Jt. Mot. Submitting Consensus Methodology on Use of Force*, Docket No. 1255, which the Court noted and approved on the same day. Docket No. 1256. The Parties also filed a Proposed Timetable for Completion of Consensus Methodologies. Docket No. 1255. The Parties agreed to complete the second group of consensus methodologies on policies and training by July 1, 2019. *Id.*

3. In compliance with the Proposed Timetable, the Parties hereby submit the Consensus Methodologies on Policies and Training, attached hereto as Appendices A and B. The Consensus Methodologies are the product of extensive cooperation and input from the Parties, the Special Master, and the Acting Monitor and his team of subject-matter experts. The

Parties, the Acting Monitor, and the Special Master will review the Consensus Methodologies on an ongoing basis, as needed, to consider whether modifications are necessary as additional data management systems are implemented and additional data sources become available, and based on the Acting Monitor's and the Parties' experience implementing the Consensus Methodologies.

WHEREFORE, the Parties respectfully request that the Court approve the Consensus Methodologies on Policies and Training to enable the Acting Monitor and his team of subject-matter experts to commence compliance monitoring of the policy and training provisions of the Agreement, Paragraphs 109-116 and 117-134, as required by Paragraph 242 of the Agreement.

WE HEREBY CERTIFY: That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send a copy and notification of filing to the Acting Monitor, the Special Master, and all counsel of record.

RESPECTFULLY SUBMITTED this 1st day of July, 2019,

For Plaintiff UNITED STATES OF
AMERICA:

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